

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
JUNE 28, 2004

**D044070        In re R.T., a Juvenile**

The appeal is dismissed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

**D042650        People v. Ruiz**

The judgment is affirmed. Aaron, J.; We Concur: McDonald, J., O'Rourke, J.

**D041872        Annette F. v. Sharon S.**

The trial court's order denying Sharon's anti-SLAPP motion is reversed. The matter is remanded with directions to grant the motion and enter judgment in Sharon's favor. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D043235        In re A.O., a Juvenile**

The orders are affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D043210        Masters v. Glaser**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

**D044552        Stickler v. Stewart**

The appeal filed on June 11, 2004 by appellant is dismissed as untimely.

**D042669        Pinho v. Lobo et al.**

The petition for rehearing is denied.

**D044545        Jon Blumenthal et al. v. Superior Court of San Diego County/The Retirement Group**

The petition is denied.

**D044466        In re Kimbrough on Habeas Corpus**

The petition is denied.

**D044275        Sunroad Auto Holding Corporation v. Superior Court of San Diego County/KRA**

The petition is denied.

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
JUNE 29, 2004

**D044416        In re Turley on Habeas Corpus**

The petition is denied.

**D043600        In re Jamar R., a Juvenile**

Judgment affirmed. McConnell, P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D043350        People v. Young**

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D043757        In re Joshua B., a Juvenile**

The appeal is dismissed. McIntyre, J.; We Concur: McConnell P.J., Benke, J.

**D041668        People v. Martin**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

**D040417        Prigmore v. Miracosta Community College District**

The petition for rehearing is denied.

**D044147        People v. Superior Court of San Diego County/Cole National Corporation et al.**

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before July 12, 2004, the briefs on file will be deemed the return and reply to the order to show cause. Oral argument will be deemed waived unless requested on or before July 12, 2004.

**D044107        In re Alex H., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., Huffman, J.

**D044022        In re Sergio M., a Juvenile**

The appeal is dismissed. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D043989        Norma L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. The request for stay is denied. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D044059        In re S.M., a Juvenile**

The appeal is dismissed. Benke, Acting P.J.; McIntyre, J.; O'Rourke, J.

**D043992        In re Andre S., a Minor**

The appeal is dismissed for appellant's failure to file a brief.

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
JUNE 29, 2004 (Continued)

**D044244        Voss v. Superior Court of San Diego County/ADI Ultrasound, Inc.**

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before July 12, 2004, the briefs on file will be deemed the return and reply to the order to show cause. Oral argument will be deemed waived unless requested on or before July 12, 2004.

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
JUNE 30, 2004

**D044444 O'Keefe v. Superior Court of San Diego County/United Health Group**

The petition is denied.

**D044586 Austin v. Superior Court of San Diego County/County of San Diego Department of Housing and Urban Development**

The petition is denied.

**D044475 In re Shaylene B., on Habeas Corpus**

The petition is denied.

**D044415 In re Martinez on Habeas Corpus**

The petition is denied.

**D042343 People v. Pulliam**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D044542 In re Bandrup on Habeas Corpus**

The petition is denied.

**D042895 People v. Young**

The judgment is reversed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D042334 Salient Networks, Inc. v. Jones et al.**

The portion of the order denying the motion to compel arbitration as to Jones, Luttrell and Rifenberg is reversed. The matter is remanded with directions to vacate the order and enter a new order granting the motion in its entirety and staying the action pending completion of arbitration. Appellants are awarded costs on appeal. Nares, J.; We Concur: Benke, Acting P.J., Irion, J.

**D043388 In re Cameron W., a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D042893 Mann, Jr. et al. v. Quality Old Time Service, Inc., et al.**

The order denying the motion to strike is reversed insofar as it denied defendants' special motion to strike the trade libel cause of action; otherwise, the order is affirmed. The matter is remanded to the superior court with directions to enter a new order consistent herewith and for further proceedings consistent with this opinion. Defendants are awarded their costs on appeal. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

**D040646 People v. Wright**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D042431 Grinzi v. San Diego Hospice Corporation**

The judgment of dismissal is affirmed. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

**D044453 In re Beidler on Habeas Corpus**

The petition is denied.

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
JUNE 30, 2004 (Continued)

**D044477        In re Wright on Habeas Corpus**

The petition is denied as duplicative.

**D044441        In re Schoepel on Habeas Corpus**

The petition is denied.

**D042965        Campbell Industries v. San Diego Unified Port District**

The petition for rehearing is denied.

**D043772        People v. Guida**

The appeal is dismissed for appellant's failure to file a brief.

**D044592        Leucadia National Corp. v. Superior Court of San Diego County/One Harbor Drive  
Homeowners Assoc. et al.**

The petition is denied.

**D044454        In re Fredericks on Habeas Corpus**

The petition is denied.

**D044474        Davis et al. v. Superior Court of San Diego County/Fire Insurance Exchange**

The petition is denied.

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
JULY 1, 2004

**D042627        People v. Washington**

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D043467        In re Deon P., a Juvenile**

We find that the trial court used sufficient clear and convincing evidence in concluding appellant understood the wrongfulness of his conduct and we find that evidence satisfies section 26. We affirm the trial court's finding appellant violated section 594, subdivisions (a), (b)(2)(A). Benke, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

**D042693        People v. Le**

The judgment is affirmed. Nares, J.; I Concur: McConnell, P.J., I Concur in the Judgment Only McIntyre, J.

**D042801        Howard Jarvis Taxpayers Assn. et al. v. City of San Diego**

HJTA's motion for judicial notice of the June 1970 ballot pamphlet for statewide Proposition 2 is granted. The judgment is affirmed in part and reversed in part. The portion of the judgment in favor of HJTA and Teyssier on their complaints challenging Proposition F is affirmed, and the portion of the judgment in favor of HJTA and Teyssier on the city's cross-complaints challenging Proposition E is reversed. The city is entitled to judgment on its cross-complaints. The matter is remanded with instructions to vacate the judgment and enter a new judgment that is consistent with this opinion. CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D043267        People v. Hall**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed.

**D043259        Cabrera et al. v. Morris**

The judgment is reversed and the matter is remanded for further proceedings. Cabrera shall recover her costs on appeal from Dr. Morris. Nares, Acting P.J., We Concur: McDonald, J., Irion, J.

**D042554        People v. Lane**

The petition for rehearing is granted.

The court request that the parties file supplemental briefs addressing the applicability to this case of People v. Moore (1992) 10 Cal.App.4th 1868, as discussed in People v. Taylor (2004) 118 Cal.App.4th 11, at pages 25-27.

In addition, the court requests briefing on the impact, if any, of Blakely v. Washington (2004) WL 1402697, June 24, 2004.

Appellant's supplemental brief is due no later than July 23, 2004. Respondent's supplemental brief is due no later than August 13, 2004. The briefs shall not exceed 10 pages each. If neither party requests oral argument by August 20, 2004, the case will then be submitted.